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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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GARDNER CARTON &
DOUGLAS, LLP
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Kuiken
Application No. 09/558,570
Filed: April 26, 2000
Attorney Docket No. P1308USA

This decision concerns the February 11, 2004 "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b)." The petition asserts timely reply to an Office action and is being properly treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in this application.

The petition is **GRANTED**.

The application was held abandoned on September 11, 2003 for failure to timely submit a proper reply to the June 10, 2003 non-final Office Action.

The instant petition contends that a reply, in the form of an amendment, was transmitted to the Examiner by facsimile on August 14, 2003.

Upon review of the petition and accompanying exhibits, the Office agrees that an amendment was indeed timely filed on August 14, 2003 as asserted. Accordingly, the application should not have been held abandoned on September 11, 2003.

The holding of abandonment in this application is hereby withdrawn, and the January 30, 2004 Notice of Abandonment vacated. The petition is thus granted.

No petition fee is owed, and none was charged to counsel's deposit account.

The application file is being returned to Technology Center 3700 for further examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions